

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

RICHARD C. NITZ,)
vs.)
Petitioner,)
CHRISTINE BRANNON,)
Respondent.)
)
) Case No. 07-cv-520-DWD
)

ORDER

DUGAN, District Judge:

On July 20, 2007, Petitioner Richard C. Nitz, through counsel, filed his Petition for Writ of Habeas Corpus seeking relief pursuant to 28 U.S.C. § 2254 to challenge the conditions of his confinement (Doc. 2). Petitioner argues that he was denied the opportunity to an impartial jury during the retrial of his Illinois state charge for first degree murder. Petitioner filed an amended petition on December 12, 2007 (Doc. 21), adding a claim of ineffective assistance of counsel. On January 9, 2008, this case was stayed to allow Petitioner to exhaust his state court remedies (Doc. 23). On April 25, 2008, the Court denied Respondent's motion to reconsider the imposition of the stay and directed Petitioner to file a motion to lift the stay in this matter within 30-days of the conclusion of his state court proceedings (Doc. 33). Thereafter, the parties were directed to file status reports concerning Petitioner's state court proceedings.

This case was reassigned to the undersigned in October 2020 (Doc. 75). At that time, Petitioner was in the process of appealing the state court's denial of his

postconviction petition following a limited order of remand (Doc. 77). On January 4, 2022, the Illinois appellate court denied Petitioner's petition for rehearing (Doc. 85) and Petitioner filed a petition for leave to appeal with the Illinois Supreme Court (Doc. 87).

On March 16, 2022, the Court directed the parties to file a status report concerning the stay of proceedings "within 7-days of the disposition of Petitioner's petition for leave to appeal, or by June 15, 2022, whichever is earlier." (Doc. 90). The parties did not file a status report by the June 15, 2022 deadline. Moreover, a review of the Illinois Supreme Court's leave to appeal docket indicates that Petitioner's petition for leave to appeal was denied on March 31, 2022.¹ In its entirety, the disposition provides:

THE FOLLOWING CASES ON THE LEAVE TO APPEAL DOCKET
WERE DISPOSED OF AS INDICATED:

128058 - People State of Illinois, respondent, v. Richard C. Nitz,
petitioner. Leave to appeal, Appellate Court, Fifth District.
5-19-0320
Petition for Leave to Appeal Denied.

Despite the denial of Petitioner's petition for leave to appeal, neither party has filed a status report with the Court. Moreover, at this time, it appears that the stay of proceedings is due to be lifted. However, Petitioner has not filed a motion to lift the stay of these proceedings.

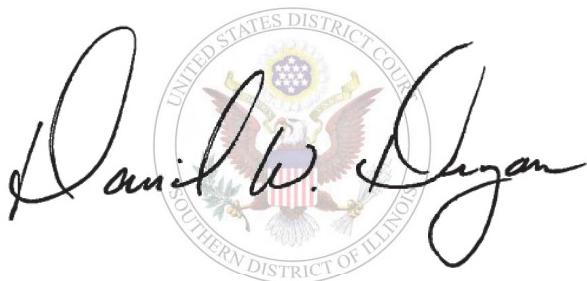
The Court observes that Petitioner still appears to be represented by Counsel in this matter. On July 17, 2007, Attorney Aviva Futorian entered her appearance for

¹See Illinois Supreme Court Order dated March 30, 2022, disposing of cases on the leave to appeal docket, available at <https://ilcourtsaudio.blob.core.windows.net/antilles-resources/resources/d733341a-023f-4377-b84d-d755a23a39cc/033022.pdf> (last visited Aug. 1, 2022).

Petitioner (Doc. 4). No motion for leave to withdraw has been filed, and electronic notices continue to be sent to Attorney Futorian. Accordingly, the Court **DIRECTS** the parties to file a joint status report by **August 5, 2022** detailing their respective positions on the status of the stay in this matter.

SO ORDERED.

Dated: August 1, 2022



The image shows a handwritten signature "David W. Dugan" in black ink, positioned above the official circular seal of the United States District Court for the Southern District of Illinois. The seal features an eagle with wings spread, perched atop a shield with stars and stripes. The words "UNITED STATES DISTRICT COURT" are at the top, and "SOUTHERN DISTRICT OF ILLINOIS" are at the bottom, all within the circular border.

DAVID W. DUGAN
United States District Judge